

Title VI Plan

City of Emporia, Kansas

2018



The City of Emporia and the Kansas Department of Transportation, as recipients of Federal funds for programs, has given the assurance that within our daily operations, we will not discriminate against any person on the basis of race, color, national origin, sex, age, disability, veteran or low income status to anyone who works, lives or plays in Emporia.

City of Emporia
521 Market Street
Emporia, Kansas 66801
www.emporia-kansas.gov

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City of Emporia

521 Market Street

Emporia, KS 66801

(620) 343-4291

skelley@emporia-kansas.gov

CITY OF EMPORIA, KANSAS TITLE VI PLAN/NONDISCRIMINATION AGREEMENT

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I. Policy Statement

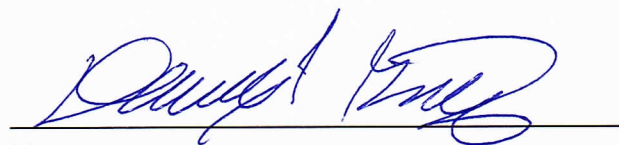
The City of Emporia (hereafter referred to as "City") is required to conform to Title VI of the Civil Rights Act of 1964 (Title VI) and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of or subjected to discrimination under any program or activity receiving Federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, age, national origin, gender, disability or low income status.

The City assures that no person in the United States shall, on the grounds of race, color, national origin or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance (23 CFR 200.9 Title 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs and activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC §794), the City hereby gives assurance that no qualified disabled person shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from Federal financial assistance.

In the event the City distributes Federal aid funds to a sub-recipient, the City will include Title VI language in all written agreements and will monitor for compliance. The City's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing reports, and other responsibilities as required by 23 CFR 200.9 Title 49 CFR 21.



Mayor

8/16/2018
Date

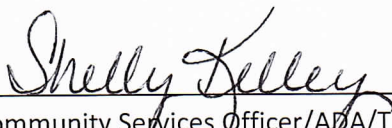
II. Administration – Work Plan

Pursuant to 23 CFR 200, the City of Emporia has designated a Title VI Coordinator who is responsible for initiating, monitoring, and ensuring the City's compliance with Title VI requirements for the following work plan:

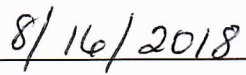
- Administer, coordinate, and implement the Title VI Program Plan and distribute internally and externally via website and update annually as required.
- Ensure that Assurances are being used in contracts for Federal projects
- Attend Title VI training as available.
- Collect any public involvement data.
- Review written Title VI complaints and ensure every effort is made to resolve complaints informally at the local or regional level and review and update the City's Title VI plan and procedures as required.
- Implement a plan that provides training to City staff on the basis requirements of the Title VI implementation plan.

Title VI Coordinator:

Shelly Kelley
Community Services Officer
521 Market Street
Emporia, Kansas 66801
(620) 343-4291
skelley@emporia-kansas.gov



Community Services Officer/ADA/Title VI Coordinator



Date

III. Environmental Justice

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through other arrangements, use criteria, methods or practices that discrimination on the basis of race, color or national origin. Part of the Title VI reads, *“No person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal assistance.”*

The three fundamental Environmental Justice (EJ) principals are:

1. To avoid, minimize or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations; and
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
3. To prevent the denial or, reduction in or significantly delay in the receipt of benefits by minority populations and low-income populations.

The City of Emporia is committed to these three EJ principals.

IV. Organization and Staffing

DEPARTMENT	CONTACT	ADDRESS	PHONE
City Manager	Mark McAnarney	104 East 5 th Avenue, 2 nd Floor Emporia, KS 66801	(620) 343-4252
Police Department	Chief Scott Cronk	518 Mechanic Street Emporia, KS 66801	(620) 343-4200
Fire Department	Chief Jack Taylor	120 East 5 th Avenue Emporia, KS 66801	(620) 343-4230
Personnel/Human Resources	Jo Lynn Herron	515 Market Street Emporia, KS 66801	(620) 343-4290
Public Works Center	Frank Abart	1220 Hatcher Street Emporia, KS 66801	(60) 340-6339
Parks and Recreation	Mark McAnarney	60 Soden Road Emporia, KS 66801	(620) 341-4375
City Planner	Joseph Foster	521 Market Street Emporia, KS 66801	(620) 343-4268
City Attorney	Christina Montgomery	104 East 5 th Avenue, 2 nd Floor Emporia, KS 66801	(620) 343-4256
City Engineer	James Ubert	104 East 5 th Avenue, 1 st Floor Emporia, KS 66801	(620) 343-4260
Mayor's Office	Danny Giefer, Mayor	104 East 5 th Avenue, 2 nd Floor Emporia, KS 66801	(620) 343-4250
City Clerk	Kerry Sull	104 East 5 th Avenue, 2 nd Floor Emporia, KS 66801	(620) 343-4243
Community Services Officer/ADA/Title VI Compliance Coordinator	Shelly Kelley	521 Market Street Emporia, KS 66801	(620) 343-4291

V. Filing a Complaint and Complaint Processing

The following pertains only to Title VI complaints regarding the services of the City of Emporia's Public Works Center.

Title VI of the Civil Rights Act of 1964 [42 U.S.C. §2000d et seq.] states that:

No person in the United States shall, on the ground of race, color, or national origin, be excluded participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The City of Emporia has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in Chapter III of the Federal Transit Administration Circular 4702.1B, dated October 1, 2012. If you believe the City of Emporia Public Works Center has violated your civil rights on the basis of race, color, national origin, religion, sex, age or disability, you may file a written complaint by following the procedure outlined below.

1. Submission of Title VI Complaint

Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color or national original has been excluded from or denied the benefits of, or subjected to discrimination caused by the City of Emporia Public Work Center, may file a written complaint with the Community Services Officer. A sample complaint form is available via the City website and is available in hard copy at the offices of City of Emporia Public Works Center and/or office of the Community Services Officer at the W.L.W. Civic Auditorium. Upon request, City of Emporia's Community Services Officer will mail the complaint form. Such complaints must be filed within **180 calendar days after the date the discrimination occurred.**

NOTE: Assistance in the preparation of any complaints will be provided to a person or persons upon request and as appropriate. If information is needed in another language, contact the Community Services Officer/ADA/Title VI Coordinator at 620-343-4291, or visit our administrative office at 521 Market Street, Emporia, KS 66801.

Complaints may be emailed to skelley@emporia-kansas.gov, or may be mailed to or submitted by hand to:

City of Emporia
521 Market Street
Emporia, KS 66801

2. Review of Complaint by the Community Services Officer

Upon receipt of the complaint, the Community Services Officer will evaluate and investigate the complaint. If necessary, the Complainant shall meet with the Community Services Officer to further explain his or her complaint. The Community Services Officer shall complete their review **no later than 45 calendar days after the date the City received the complaint.** If more time is required, the Community Services Officer shall notify the Complainant of the estimated timeframe for completing the review. Upon completion of the review, the Community Services Officer shall make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the Community Services Officer may recommend improvements to the City of Emporia Public Works Center's processes relative

to Title VI, as appropriate. The Community Services Officer shall forward their recommendations to the City Attorney for concurrence. If the City Attorney concurs, he or she shall issue the City of Emporia Community Services Officer's written response to the Complainant. This final report should include a summary of the investigation, all findings with recommendations or corrective measures where appropriate.

NOTE: Upon receipt of a complaint, City of Emporia Community Services Officer shall forward a copy of this complaint and the resulting written response to the appropriate KDOT and FTA region contacts, when applicable.

3. Request for Reconsideration

If the Complainant disagrees with the Community Services Officer's response, he or she may request reconsideration by submitting the request, in writing, to the Community Services Officer **within 10 calendar days after receipt of the Community Services Officer's response.** The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the Community Services Officer. The Community Services Officer will notify the Complainant of his or her decision in writing either to accept or reject the request or reconsideration **within 10 calendar days.** In cases where the Community Services Officer agrees to reconsider, the matter shall be returned to the City Attorney to reevaluate in accordance with Section 2 above.

4. Appeal

If the request for reconsideration is denied, the Complainant may appeal the Community Services Officer's response by submitting a written appeal to the City Manager of the City of Emporia **no later than 10 calendar days after receipt of the Director's written decision rejecting consideration.** The City Manager will make a determination to either request reevaluation by the Community Services Officer or forward the complaint to KDOT for further investigation.

5. Submission of Complaint to the State of Kansas Department of Transportation

If the Complainant is dissatisfied with the City of Emporia Community Services Officer's resolution of the complaint, he or she may also submit a written complaint to the State of Kansas Department of Transportation (KDOT) for further investigation. The submission of the complaint must be received by KDOT **within 90 days after the alleged date of discrimination, or 10 calendar days after receipt of the written decision rejecting reconsideration or appeal, whichever is later.** Complaints submitted to KDOT should be mailed to:

KDOT Office of Contract Compliance
Eisenhower State Office Building
700 SW Harrison
3rd Floor West
Topeka, KS 66603

The Complainant may also file a complaint directly with the Federal Transit Administration at:

Federal Transit Administration
Office of Civil Rights
1200 New Jersey Avenue SE
Washington, DC 20590

****All complaints filed with the City of Emporia, Kansas, based on violations of Title VI of the Civil Rights Act of 1964, must include the following information:**

- Name of Complainant
- Address of Complainant
- Name of Agency/Department Accused of Discriminatory Practices
- Address of Agency
- Description of Alleged Discrimination
- Date of Complaint
- Telephone Number of Complainant
- Name of Individual Accused of Discriminatory Practices
- Date of Alleged Discrimination

NOTE: APPENDIX F provides a sample complaint form that may be used for this process.

VI. Limited English Proficiency (LEP) Policy

On August 22, 2000, President Bill Clinton signed an executive order, *Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency*, to clarify Title VI of the Civil Rights Act of 1964. It has as its purpose to ensure meaningful access to programs and services to otherwise eligible persons who are not proficient in the English language. In addition, the U.S. Department of Transportation published *Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons* in the December 14, 2005 Federal Register. This guidance outlines the following four factors that the City uses to access the LEP populations in Emporia.

FACTOR	DESCRIPTION
1	The number and proportion of LEP persons eligible to be served or like to be encountered by the City.
2	The frequency with which LEP individuals come into contact with the program, activity or service.
3	The nature and importance of the program, activity or service provided by the program.
4	The resources available to the City and costs.

SUMMARY OF THE FOUR FACTOR ANALYSIS

Factor 1:

The number and proportion of LEP persons eligible to be served or likely to be encountered by the City can only be estimated until the actual number of persons who can speak English less than “very well” are documented as needing assistance by City staff. With this Title VI Plan being in early development stages and considered to be a document that needs regular updates – U.S. Census Bureau and City Viewer information is being used at this time.

The total population provided below is to show general distribution of race and ethnicity in the community. The estimated number of persons that may not speak English “very well” is following the U.S. Census Bureau 2006-2010 American Community Survey.

The U.S. Census Bureau and City Viewer provides statistics from 2010 for the City of Emporia as follows:

POPULATION BY ETHNICITY	
White Alone	19,738
Black or African American	791
Asian Alone	771
American Indian or Alaska Native	198
Native Hawaiian or Pacific Islander	15
Identified by Two or More Races	775
Some Other Race Alone	2,628
TOTAL	24,916

POPULATION BY HISPANIC OR LATINO ORIGIN (of any race)	
Persons NOT of Hispanic or Latino Origin	18,585
Persons of Hispanic or Latino Origin	6,331
TOTAL	24,916

The U.S. Census Bureau American Community survey 5-Year Estimates under SELECTED SOCIAL CHARACTERISTIC indicates the number of people in Emporia who speak English less than “very well” is estimated at 4,663 or 18.72% of the total population with an error of margin of +/-1.0%.

For planning purposes, the City considers people that speak English less than “very well” as Limited English Proficient (LEP) persons. It is estimated that the majority of people in the community speak English well or very well or have translation availability within their own families or friends. According to the census numbers above, it is estimated that approximately 4,663 individuals (with an error margin of +/-22 people) may be considered as LEP. Based on actual contact between City staff and the community there have been comparatively very few requests from anyone in the service area asking the City to provide language translation services. Therefore, the LEP population is probably even lower than the estimate shown above.

Factor 2

The frequency with which LEP individuals come into contact with the program activity or service:

Due to the large Hispanic population, most of which have lived in the area for many years, persons who are typically LEP have family members or friends who can translate for them so they very seldom require translation services from the City.

Factor 3

If at any time a LEP individual requests translation services that are considered important such that denial or delay of access of services or information could have serious or even life-threatening implications, the City will provide, upon request, services to assist the LEP population including translation of vital City documents and interpretation services.

Factor 4

The City of Emporia currently has several staff members who are bilingual in English and Spanish and are available to translate requests from the Hispanic population on a day-to-day basis. In addition, the City also provides many of their outreach services in the predominate languages of the community, English and Spanish.

Certified translation services are available through various partner agencies and the City provides basic services upon request as discussed in factor 3 above.

Summary of LEP Accommodation Plan

The City of Emporia strives to serve its population to the best of its ability and will provide upon request, services to assist the LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to City services.

- A U.S. Census Bureau ISpeak card is available as part of this document and on the City's webpage. It is also available by visiting the Human Relations Office located at 521 Market Street, Emporia, Kansas in the WLW Civic Auditorium. This card allows LEP individuals to communicate their preferred language to City staff. This allows City staff to access a translation service called INDY Translations, phone number (800) 695-8772, is available City staff or other translation services may be used as determined by the City. *(SEE APPENDIX I)*
- For language translation requests from the Hispanic or Latino community, the City has several staff members who are bilingual and are available to provide translation services as needed on a day-to-day basis. If certified translation services are needed for the Hispanic or Latino community, the local Hispanics of Today and Tomorrow is available to provide these services. The City also provides many of their outreach services in English and Spanish, the predominate language of the community.
- An Ubi Duo2 is available for public members who require use of a sign language interpreter. This will provide an immediate service for those who are deaf or otherwise defined as hearing impaired. This service provides a real-time seamless communication method without delay in public service.
- The City of Emporia utilizes a voluntary public involvement survey to collect information regarding persons affected by proposed projects. This permits respondents to remain anonymous, while voluntarily answering questions regarding their gender, ethnicity, race, age, disability status, and household income. This voluntary public involvement survey that is available on the City website. Once the survey data has been collected, it will be reviewed and then the survey will be placed in a file for future reference. In the case enough surveys are collected over time to show a significant increase in the LEP population, the City may consider changes to their LEP policy. Completed surveys shall be retained for a period of three (3) years from the date of completion, if applicable. See Appendix G for a sample of this Survey.
- The City reviews written Title VI complaints and ensures every effort is made to resolve complaints information at the local or regional level and review and update the City's Title VI Plan and procedures as required.
- Staff for the City will be provided training on the requirements for providing meaningful access to services for LEP persons. Considering the relatively small size the City of Emporia and limited financial resources, current training may be limited to web access to this document and it's attachments by City staff, a log showing the names of all staff that have been made aware of this document (signature to confirm they have thoroughly read the document) and require all new staff members to receive the same training.

VII. The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The City of Emporia (herein after referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the FHWA and FTA, is subject to and will comply with the following:

Statutory/Regulatory Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin); and
- 49 C.F.R. Part 21 (entitled Non-discrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964); and
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

“No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from DOT, including the FHWA and FTA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statuses and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted projects:

1. The Recipient agrees that each “activity,” “facility” or “program” as defined in §21.23© and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be “with

regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

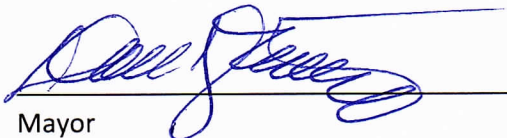
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposal for work or material subject to the Act and the Regulations made in connection with the City of Emporia, in adapted form, in all proposals and negotiated agreements regardless of the funding source:

“The City of Emporia, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award.”
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection herewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project or program; and
 - b. for the construction or use of, or access to, space on, over or under real property acquired or improved under the applicable activity, project or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and

1. other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
2. The Recipient agrees that the United States has a right to see judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the City of Emporia also agrees to comply (and require sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the City of Emporia's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the City of Emporia. You must keep records and reports and submit the material for review upon request to the City of Emporia, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The City of Emporia gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients of the U.S. Department of Transportation under the City of Emporia. This ASSURANCE is binding on the State of Kansas, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the City of Emporia. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.



Mayor

8/16/2018
Date

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Appendix A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, the FHWA and FTA, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set for in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurement of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligation under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or FHWA and FTA, as they may be amended to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the U.S. Department of Transportation, FHWA and FTA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the U.S. Department of Transportation, FHWA and FTA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating or suspending a contract, in whole or part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the U.S. Department of Transportation or FHWA and FTA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigations by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interest of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Appendix B

Clauses for Deeds Transferring United States Property

The following clauses will be included in deeds affecting or recording the transfer of real property, structures or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Emporia will accept title to do the lands and maintain the project constructed thereon in accordance with the Fixing America's Surface Transportation "FAST ACT" Section 1105; 23 U.S.C. 117, the Regulations for the Administration for the City of Emporia and the policies and procedures prescribed by the U.S. Department of Transportation and FHWA and FTA of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of the Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d-2000d-4), does hereby remise, release, quitclaim and convey unto the City of Emporia all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(Habendum Clause)

TO HAVE AND TO HOLD said lands and interests therein unto the City of Emporia and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Emporia, its successors, and assigns.

The City of Emporia, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]* (2) that the City of Emporia will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of a breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that the above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

Appendix C

If Land is Acquired Through the Federal Highway program and the City Sells or Leases the Property to Another Entity Appendix C is Applicable

The following clauses shall be included in all deeds, licenses, leases, permits or similar instruments entered into by the City of Emporia, Kansas pursuant to the provisions of Assurance 7.

The (grantee, licensee, lessee, permittee, etc., as appropriate) for him/herself, hi/hers heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that in the event facilities are constructed, maintained or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above non-discrimination covenants, City of Emporia, Kansas shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, leases, permits, etc.] had never been made or issued.

[Include in deed]*

That in the event of breach of any of the above non-discrimination covenants, the City of Emporia, Kansas shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the City of Emporia, Kansas and its assigns.

The following shall be included in all deeds, licenses, leases, permits or similar agreements entered into by the City of Emporia, Kansas pursuant to the provisions of Assurance 7.

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that (1) no person on the ground of race, color or national origin shall be excluded from participation in, denied the benefits of or otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color or national origin shall be excluded from participation in, denied

the benefits of or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leads, permits, etc.]*

That in the event of breach of any of the above non-discrimination covenants, the City of Emporia, Kansas shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in licenses, leads, permits, etc.]*

That in the event of breach of any of the above non-discrimination covenants, the City of Emporia, Kansas shall have the right to re-enter said land and facilities, there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the City of Emporia, Kansas and its assigns.

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

Appendix D

Title VI Complaint Log

(see next page)

City of Emporia, Kansas Title VI Complaint Log

[illegible]

Appendix E

Title VI Complaint Procedures

(see next page)

TITLE VI Complaint Procedures For City of Emporia Public Transportation Program

TITLE VI Complaint Procedure: The following pertains only to Title VI complaints regarding the services of the City of Emporia's Public Works Center Program.

Title VI of the Civil Rights Act of 1964 [42 U.S.C. §2000d et seq.] states that:

No person in the United States shall, on the ground of race, color, or national origin, be excluded participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The City of Emporia Public Work Center has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in Chapter III of the Federal Transit Administration Circular 4702.1B, dated October 1, 2012. If you believe the City of Emporia Public Works Center has violated your civil rights on the basis of race, color, national origin, religion, sex, age or disability, you may file a written complaint by following the procedure outlined below.

1. Submission of Title VI Complaint

Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color or national original has been excluded from or denied the benefits of, or subjected to discrimination caused by the City of Emporia Public Works Center, may file a written complaint with the Community Services Officer. A sample complaint form is available via the City website and is available in hard copy at the offices of City of Emporia Public Works Public Center and Human Relations Office. Upon request, City of Emporia Community Services Officer will mail the complaint form. **Such complaints must be filed within 180 calendar days after the date the discrimination occurred.**

NOTE: Assistance in the preparation of any complaints will be provided to a person or persons upon request and as appropriate. If information is needed in another language, then contact the Community Services Officer at 620-343-4291, or visit our administrative office at 521 Market Street, Emporia, KS 66801.

Complaints may be emailed to skelley@emporia-kansas.gov , or may be mailed to or submitted by hand to:

City of Emporia
521 Market Street
Emporia, KS 66801

2. Review of Complaint by the Community Services Officer

Upon receipt of the complaint, the Community Services Officer will evaluate and investigate the complaint. If necessary, the Complainant shall meet with the Community Services Officer to further explain his or her complaint. The Community Services Officer shall complete their review **no later than 45 calendar days after the date the City received the complaint.** If more time is required, the Community Services Officer shall notify the Complainant of the estimated timeframe for completing the review. Upon completion of the review, the Community Services Officer shall make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the Community Services Officer

may recommend improvements to the City of Emporia Public Works Center's processes relative to Title VI, as appropriate. The Community Services Officer shall forward their recommendations to the City Attorney for concurrence. If the City Attorney concurs, he or she shall issue the City of Emporia Community Services Officer's written response to the Complainant. This final report should include a summary of the investigation, all findings with recommendations, or corrective measures where appropriate.

NOTE: Upon receipt of a complaint, City of Emporia Community Services Officer shall forward a copy of this complaint and the resulting written response to the appropriate KDOT and FTA region contacts, when applicable.

3. Request for Reconsideration

If the Complainant disagrees with the Community Services Officer's response, he or she may request reconsideration by submitting the request, in writing, to the Community Services Officer **within 10 calendar days after receipt of the Supervisor's response**. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the Community Services Officer. The Community Services Officer will notify the Complainant of his or her decision in writing either to accept or reject the request or reconsideration **within 10 calendar days**. In cases where the Community Services Officer agrees to reconsider, the matter shall be returned to the City Attorney to reevaluate in accordance with Section 2 above.

4. Appeal

If the request for reconsideration is denied, the Complainant may appeal the Community Services Officer's response by submitting a written appeal to the City Manager of the City of Emporia **no later than 10 calendar days after receipt of the Supervisor's written decision rejecting consideration**. The City Manager will make a determination to either request reevaluation by the Community Services Officer or forward the complaint to KDOT for further investigation.

5. Submission of Complaint to the State of Kansas Department of Transportation

If the Complainant is dissatisfied with the City of Emporia Community Services Officer's resolution of the complaint, he or she may also submit a written complaint to the State of Kansas Department of Transportation (KDOT) for further investigation. The submission of the complaint must be received by KDOT **within 180 days after the alleged date of discrimination, or 10 calendar days after receipt of the written decision rejecting reconsideration or appeal, whichever is later**. Complaints submitted to KDOT should be mailed to:

KDOT Office of Contract Compliance
Eisenhower State Office Building
700 SW Harrison
3rd Floor West
Topeka, KS 66603

The Complainant may also file a complaint directly with the Federal Transit Administration at:

Federal Transit Administration
Office of Civil Rights
1200 New Jersey Avenue SE
Washington, DC 20590

Appendix F

Title VI Complaint Form

(see next page)

TITLE VI COMPLAINT FORM

CITY OF EMPORIA, KANSAS

SECTION I									
Name:									
Address:									
Contact Numbers:									
Email Address:									
Accessible Format Requirements: <i>(Mark all that apply)</i>			Large Print			Audio Tape			
			TDD			Other (Specify)			
SECTION II									
Are you filing this complaint on your own behalf?								YES	NO
<i>**If you answered "yes" to this question, go to SECTION III</i>									
If "no," please supply the name and relationship of the person for whom you are filing a complaint:						Name:			
						Relationship:			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.								YES	NO
SECTION III									
I believe the discrimination I experienced was based on (check all that apply):								Race	
								Color	
								National Origin	
Date of Alleged Discrimination:			(Month/Day/Year)					Time	
<i>Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Provide the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please attach additional pages.</i>									
SECTION IV									
Have you previously filed a Title VI complaint with this agency?								YES	NO

SECTION V			
Have you filed this complaint with any other Federal, State or Local agency?			YES NO
Have you filed this complaint with any Federal or State court?			YES NO
If yes, check all that apply and provide Agency name:		Federal Agency:	
		State Agency:	
		Local Agency:	
		Federal Court:	
		State Court:	
Please provide information about a contact person at the agency/court where the complaint was filed:			
Name:		Name:	
Title:		Title:	
Agency:		Agency:	
Address:		Address:	
Telephone:		Telephone:	
SECTION VI			
Name of agency this complaint is against:			
Contact Person:			
Title:			
Telephone Number:			

**You may attach written materials or other information that you think is relevant to your complaint.*

Signature and date are required below:

Signature: _____ **Date:** _____

Please submit this form in person at the address below, or mail this completed form to:

City of Emporia
 Shelly Kelley, Community Services Officer
 521 Market Street
 Emporia, KS 66801

Appendix G

Title VI Complainant Consent/Release Form

TITLE VI COMPLAINANT CONSENT/RELEASE

CITY OF EMPORIA, KANSAS

Complainant Name <i>(first, middle, last)</i>	Telephone/Contact Number
Complete Mailing Address <i>(number and street, city, state, ZIP code)</i>	
Case Number(s) <i>(if known)</i>	
<p>As a complainant, I understand that during an investigation it may become necessary for the City of Emporia to reveal my identity to individuals outside of the City of Emporia Government in the course of verifying information or gathering facts and evidence to develop a basis for making a civil rights compliance determination. I understand that it may be necessary for the City of Emporia to share information, including personal details collected as part of its complaint investigation. In addition, I understand that as a complainant, I am protected by Title VI of the Civil Rights Act of 1964, as amended, and its related statutes and regulations prohibiting intimidation or retaliation for taking action of participating in an action to secure rights protected by the nondiscrimination statutes enforced by the City of Emporia.</p>	
<p>Please read both paragraphs below, check your choice of CONSENT or CONSENT DENIED and sign and date below <i>(Please mark one)</i>.</p> <p>() CONSENT I have read and understand the above information and authorize the City of Emporia to disclose my identity to individuals as needed during the course of the investigation for the purpose of verifying information or gathering facts and evidence relevant to the investigation of my complaint. I authorize the City of Emporia to receive, review, and discuss material and information about me relevant to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release and volunteer to do so.</p> <p>() CONSENT DENIED I have read and understand the above information and DO NOT want the City of Emporia to disclose my identity to any individual during the course of the investigation. I understand this choice could delay the investigation of my complaint and may, in some circumstances, result in an administrative closure of the investigation of my complaint without the City of Emporia making a determination in my case.</p>	
Complainant Full Legal Signature	Date <i>(month, day, year)</i>

Appendix H

Voluntary Title VI Public Involvement Survey

VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

CITY OF EMPORIA, KANSAS

As a recipient of Federal funds, the Kansas Department of Transportation is requiring local agencies to develop a procedure for gathering statistical data regarding participants and beneficiaries of its Federal-aid highway programs and activities (23 CFR §200.9 = (b)(4)). The City of Emporia is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by proposed projects.

You are NOT required to complete this survey. Submittal of this information is voluntary. This form is a public document that the City of Emporia will use to monitor its programs and activities for compliance with Title VI and the Civil Rights Act of 1964, as amended, and its related statutes and regulations.

If you have any questions regarding the City of Emporia's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Shelly Kelley, Community Services Officer.

You may return the survey by mailing or emailing it to the address below.

Date (month, day, year):			
Project Name:			
Proposed Project Location:			
Gender	<input type="checkbox"/>	Male	<input type="checkbox"/>
			Female
Ethnicity	<input type="checkbox"/>	Hispanic or Latino	<input type="checkbox"/>
			Not Hispanic or Latino
Race			
<input type="checkbox"/>	Asian	<input type="checkbox"/>	Native Hawaiian or Other Pacific Islander
<input type="checkbox"/>	Black or African American	<input type="checkbox"/>	White
<input type="checkbox"/>	Multiracial	<input type="checkbox"/>	American Indian or Alaska Native
Age			
<input type="checkbox"/>	1 – 21	<input type="checkbox"/>	22 – 40
<input type="checkbox"/>	41 – 65	<input type="checkbox"/>	66 and over
Household Income			
<input type="checkbox"/>	\$0 – 12,000	<input type="checkbox"/>	\$12,001 – 24,000
<input type="checkbox"/>	\$24,001 - \$36,000	<input type="checkbox"/>	\$36,001 – 48,000
<input type="checkbox"/>	\$48,001 – 60,000	<input type="checkbox"/>	\$60,001 and over
Disability	<input type="checkbox"/>	YES	<input type="checkbox"/>
			NO

Title VI Contact: Shelly Kelley, Community Services Officer
 521 Market Street
 Emporia, KS 66801
 (620) 343-4291
skelley@emporia-kansas.gov

Appendix I

U.S. Census Bureau ISpeak Card

☐

ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.

1. Arabic

☐

Խաղաղում եմք նշում հասարակ արք քառակուսում,
եթե խոսում կամ կարդում եք հայերեն:

2. Armenian

☐

যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।

3. Bengali

☐

ឈ្មួញក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។

4. Cambodian

☐

Motka i kahhon ya yangin untungnu' manaitai pat untungnu' kumentos Chamorro.

5. Chamorro

☐

如果你能读中文或讲中文，请选择此框。

6. Simplified Chinese

☐

如果你能讀中文或講中文，請選擇此框。

7. Traditional Chinese

☐

Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.

8. Croatian

☐

Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.

9. Czech

☐

Kruis dit vakje aan als u Nederlands kunt lezen of spreken.

10. Dutch

☐

Mark this box if you read or speak English.

11. English

☐

اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.

12. Farsi

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃສ່ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຊື່ປາກມາສາອາດ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้ทำเครื่องหมายในช่องถ้าอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читасте або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish